

117TH CONGRESS
2D SESSION

H. R. 7418

To amend title XI of the Social Security Act to exclude certain individuals and entities from participation in Medicare and State health programs that discriminate on the basis of a covered statement.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2022

Mr. CAWTHORN introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XI of the Social Security Act to exclude certain individuals and entities from participation in Medicare and State health programs that discriminate on the basis of a covered statement.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Candace Owens Act”.

1 SEC. 2. PROHIBITION AGAINST DISCRIMINATION IN CER-

2 TAIN HEALTH PROGRAMS AND ACTIVITIES

3 ON THE BASIS OF A COVERED STATEMENT.

4 (a) IN GENERAL.—Section 1128 of the Social Secu-

5 rity Act (42 U.S.C. 1320a-7) is amended—

6 (1) in subsection (a), by adding at the end the

7 following new paragraph:

8 “(5) FAILURE TO PROVIDE CARE BASED ON

9 COVERED STATEMENT.—

10 “(A) IN GENERAL.—Any individual or en-
11 tity that the Secretary determines has failed to
12 furnish items or services to a patient based on
13 a covered statement (as defined in subsection
14 (k)) made by such patient.15 “(B) ENFORCEMENT.—Not later than 6
16 months after the date of enactment of this
17 paragraph, the Secretary shall establish a proc-
18 ess under which the Office of Civil Rights of the
19 Department of Health and Human Services
20 shall investigate a claim of failure to provide
21 care based on a covered statement (as described
22 in subparagraph (A))..”;

23 (2) in subsection (c)(3)—

24 (A) in subparagraph (B), by striking “sub-
25 paragraph (G)” and inserting “subparagraphs
26 (G) and (H)”;

(B) by adding at the end the following new subparagraph:

3 “(H)(i) Subject to clause (ii), in the case
4 of an exclusion of an individual or entity under
5 subsection (a)(5), the period of such exclusion
6 from a Federal health program and a State
7 health program shall be not less than 1 year.

8 “(ii) In the case of an exclusion of an individual or entity under subsection (a)(5), if such
9 failure to furnish items or services causes a patient to be in violation of a public health emergency declared under section 319 of the Public
10 Health Service Act, the period of the exclusion from a Federal health program and a State
11 health program shall be not less than 2 years.”;
12
13 and

17 (3) by adding at the end the following new sub-
18 section:

19 "(k) DEFINITIONS.—For purposes of subsection
20 (a)(5);

21 “(1) AFFILIATED ORGANIZATION.—The term
22 ‘affiliated organization’ means an organization that
23 is operated, supervised, or controlled by or in con-
24 nection with a political party.

25 “(2) COVERED STATEMENT.—

1 “(A) IN GENERAL.—Subject to subparagraph
2 (B), the term ‘covered statement’ means
3 a written or oral statement that—

4 “(i) expresses support of, or endorses,
5 a national political party, State political
6 party, or an affiliated organization;

7 “(ii) expresses support of, or affiliation with, a special interest group that
8 may have a political message; or

9 “(iii) denigrates, disagrees with, or
10 disparages the political views of a national
11 political party, a State political party, an
12 affiliated organization, or a special interest
13 group that may have a political message.

14 “(B) EXCEPTION.—A ‘covered statement’
15 does not include the following:

16 “(i) A crime of violence (as such term
17 is defined in section 16 of title 18, United
18 States Code).

19 “(ii) Harassment.

20 “(iii) Incitement of violence or harassment.

21 “(3) HARASSMENT.—The term ‘harassment’
22 means the targeting of an individual or entity with
23 behavior meant to alarm, annoy, torment, or ter-

1 rorize such individual or entity, including by direct-
2 ing abuse towards groups protected under title VII
3 of the Civil Rights Act of 1964, in a manner that
4 causes such individual or entity to feel reasonable
5 fear for the safety of such individual or entity, or
6 the family or property of such individual or entity.

7 “(4) INCITEMENT.—The term ‘incitement’
8 means the urging of an individual to commit a
9 criminal offense under Federal or State law.

10 “(5) SPECIAL INTEREST GROUP.—The term
11 ‘special interest group’ means an organization with
12 a political, cultural, or religious message that is not
13 operated, supervised, or controlled by a political
14 party.”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (a) shall apply with respect to items or services
17 furnished one year after the date of enactment of this Act.

